

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FILED

February 1, 2021 3:59 PM  
CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: mkc SCANNED BY: TJS / 2/1/21

DERRICK LEE SMITH, #267009,  
PLAINTIFF,  
VS  
WRITEAPRISONER.COM, INC. et al,  
DEFENDANTS,

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CASE NO 1:20-CV-1201  
HON. PAUL L. MALONEY

PLAINTIFFS MOTION TO AMEND COMPLAINT

PLAINTIFF, DERRICK LEE SMITH, BRINGS THIS ACTION TO THIS HONORABLE COURT AND ASKS THE COURT TO ALLOW THE PLAINTIFF, PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 15(d)(1), TO BE ABLE TO FILE AN AMENDED COMPLAINT.

IN SUPPORT OF THIS ACTION, THE PLAINTIFF STATES THE FOLLOWING FACTORS LISTED WITHIN.

1. FRCP15(d)(1) ALLOWS A PARTY TO AMEND THE COMPLAINT.
2. SINCE NEITHER SERVICE NOR A RESPONSIVE PLEADING HAS BEEN ORDERED, THE PLAINTIFF MAY AMEND THE COMPLAINT.
3. THE COURT HAS NOT DONE A PRELIMINARY SCREENING REVIEW OF THE ALLEGATIONS AND, AS SUCH, THE CASE ITSELF HAS NOT BEEN RULED UPON PERTAINING TO THE CLAIMS.

4. THE STATUS OF THE ORIGINAL COMPLAINT HAS CHANGED AND IT REQUIRES THAT THE COMPLAINT BE AMENDED AS THAT THE DEFENDANTS AND THE PLAINTIFF'S CIRCUMSTANCES HAVE CHANGED AND IT REQUIRES THE AMENDED COMPLAINT TO BE FILED REMOVING WRITEAPRISONER.COM, INC FROM THE COMPLAINT AND PLACING DIFFERENT DEFENDANTS ON A NEW AMENDED COMPLAINT.

CONCLUSION, THE PLAINTIFF WOULD LIKE TO WOULD ASK THAT THIS COURT ALLOW A NEW AMENDED COMPLAINT TO BE FILED AND HAVE THE NEW AMENDED COMPLAINT SUPERSEDE THE PREVIOUS COMPLAINT, AND PROVIDE THE PLAINTIFF WITH A TIME LIMIT TO FILE THE AMENDED COMPLAINT.

RELIEF REQUESTED

WHEREFORE, PLAINTIFF PRAYS THIS COURT WILL ORDER  
THE PLAINTIFF IS ABLE TO FILE AN AMENDED COMPLAINT AND GRANT  
ANY OTHER RELIEF THIS COURT DEEM NECESSARY AND APPROPRIATE.

RESPECTFULLY YOURS,



MR. DERRICK LEE CARDELLLO-SMITH

PRO SE PLAINTIFF

267009

MCF-2400 S. SHERIDAN DRIVE

MUSKEGON, MI 49442

(2)

Derrick Smith 267009 4109B  
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Case No  
1:20-cv-1201  
Judge Paul Maloney



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Grand Rapids, MI  
49503